

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

RAYNARD D. COLEMAN,

Case No. 21-13061

Plaintiff,
v.

F. Kay Behm
United States District Judge

CORIZON, *et al.*,

Anthony P. Patti
United States Magistrate Judge

Defendants.

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**SUPPLEMENTAL OPINION AND ORDER ACCEPTING AND
ADOPTING MAGISTRATE JUDGE’S REPORT AND
RECOMMENDATION AS TO DEFENDANT OBIAKOR (ECF No. 50)**

This court previously issued an Opinion and Order Adopting four Reports and Recommendations issued by Magistrate Judge Anthony P. Patti in large part, except for those matters subject to the automatic bankruptcy stay resulting from Defendant Corizon’s pending bankruptcy matter. (ECF No. 59). Judge Patti recommended granting in part and denying in part the motion for summary judgment filed by Defendants Corizon, Schmidt, Obiakor, Martino, and Farris based on Plaintiff’s failure to exhaust administrative remedies and granting in part and denying in part the motion to dismiss, leaving pending only the claim against Defendant Obiakor relating to the events of September 23, 2020. (ECF No. 50). At the time of the court’s prior Opinion and Order, Defendants Obiakor and

Schmidt remained represented by Corizon's counsel and thus, were subject to the automatic stay from Defendant Corizon's bankruptcy filing. (ECF No. 59, citing *Bennett v. Mich. Dep't of Corr.*, 2023 WL 4678996, *5 (6th Cir. July 21, 2023)).

New counsel for Defendant Obiakor has since filed an appearance in this case and thus, the proceedings against him are no longer subject to the automatic stay.

See Bennett, supra.

As noted previously, neither party has filed objections. "[T]he failure to object to the magistrate judge's report[] releases the Court from its duty to independently review the matter." *Hall v. Rawal*, 2012 WL 3639070 (E.D. Mich.

Aug. 24, 2012) (citing *Thomas v. Arn*, 474 U.S. 140, 149 (1985)). The court nevertheless agrees with the Magistrate Judge's recommended disposition.

Accordingly, the court now **ACCEPTS** and **ADOPTS** the Magistrate Judge's Report and Recommendation as to Defendant Obiakor (ECF No. 50) and **DENIES** the motion for summary judgment as to Defendant Obiakor relating to the events of September 23, 2020 (ECF No. 44).

SO ORDERED.

Date: December 7, 2023

s/F. Kay Behm

F. Kay Behm

United States District Judge